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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,928

02/11/2004

Artoun Ramian

6500-017

2388

7590

07/31/2006

Law Office of William B. Ritchie  
43 Jackson Street  
Concord, NH 03301

EXAMINER

AGBOTTAH, AWUDZI Z

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/776,928

Applicant(s)

RAMIAN, ARTOUN

Examiner

Awudzi Z. Agbottah

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2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:
  - 1) On page 3, line 7 of the specification the applicant states "...that those elements which are cannot be downsized...." The statement "...that those..." is grammatically incorrect.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

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3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 and 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Loprete (**United States Patent Application Publication US 2003/0060241 A1**) in view of Han et al. (**United States Patent Application Publication US 2003/0076969 A1**).

4. Consider claim 1, Loprete discloses a portable radiotelephone (mobile telephonic apparatus) comprised of a housing (**Paragraph 40, Lines 1-5**), with an antenna attached to it to receive radio waves (**Paragraph 11, Lines 6-8**). Lastly Loprete discloses a micro-phone mounted on the antenna that can be slid up and down the antenna (**Paragraph 51, Lines 7-13**).

Loprete discloses the claimed invention but lacks to disclose a speaker that provides both input and output signals. However Han et al. discloses a two way speaker that provides input and output signals (**Abstract; Paragraph 15, Lines 3-6**). In light of Han et al. it would be obvious to one skilled in the art to combine the teachings of Loprete and Han et al. for the purpose of allowing for a smaller size of the invention.

5. Consider claim 3, Loprete discloses a portable radiotelephone (mobile telephonic apparatus) comprised of a housing (**Paragraph 40, Lines 1-5**), an insulated electrical wire (electrically nonconductive variable length sheath) attached to the housing

**(Paragraph 39, Lines 6-8)**, with an antenna attached to it to receive radio waves **(Paragraph 11, Lines 6-8)**. Lastly Loprete discloses a micro-phone mounted on the antenna that can be slid up and down the antenna **(Paragraph 51, Lines 7-13)**.

Loprete discloses the claimed invention but fails to disclose a speaker adapted to provide input and output signals. However Han et al. discloses a two way speaker that provides input and output signals **(Abstract, Paragraph 15, Lines 3-6)**. In light of Han et al. it would be obvious to one skilled in the art to combine the teachings of Loprete and Han et al. for the purpose of allowing for a smaller size of the invention.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loprete **(United States Patent Application Publication US 2003/0060241 A1)**, in view of Han et al. **(United States Patent Application Publication US 2003/0076969 A1)**, and further in view of Radzinski **(United States Patent Application Publication US 2006/0066301 A1)**.

6. Consider claim 2, Loprete discloses a portable radiotelephone (mobile telephonic apparatus) comprised of a housing **(Paragraph 40, Lines 1-5)** with a speaker positioned inside of it **(Paragraph 11, Lines 6-9)**, and a microphone positioned with the housing adapted to transmit audio signals **(Paragraph 10, Figure 4)**. Loprete discloses the claimed invention but fails to disclose a speaker adapted to provide input and output

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signals and an antenna comprised of an antenna inside the wall of an acoustic pipe and an acoustic pipe that transmits sound waves. However Han et al. discloses a two way speaker that provides input and output signals (**Abstract, Paragraph 15, Lines 3-6**).

Han et al. also discloses a frame having a hollow interior (acoustic pipe) that comprises a two way speaker (microphone) "...whereby the communicating first and second through holes and the sound output hole form an air passage ensuring a smooth circulation of air when the diaphragm is vibrated, thus accomplishing desired frequency characteristics of a receiver..." (**Paragraph 15-16**). This reads to the applicant's claim of "...an acoustic pipe with a mouth end, a microphone end, and an inside wall wherein the mouth of said acoustic pipe is presented close to the mouth of the user and wherein the microphone end of said acoustic pipe is immediately adjacent to said microphone such that sound waves from the user's voice are transmitted along said acoustic pipe to said microphone.." In light of Han et al. it would be obvious to one skilled in the art to combine the teachings of Loprete and Han et al. for the purpose of allowing for a smaller size of the invention by using a two way speaker and providing an effective means of transmitting voice signals to a microphone by using an acoustic pipe..

Loprete and Han et al. combine to disclose the claimed invention but fail to disclose an antenna inside the wall of an acoustic pipe. However Radzinski discloses a wired drill pipe that forms a transmitting antenna (an antenna adapted to receive radio waves and comprises a single core wire positioned along the inside wall of said acoustic pipe.) (**Paragraph 7**). In light of Radzinski, it would be obvious to one of ordinary skill in

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the art to combine the teachings of Loprete, Han et al. and Radzinski for the purpose of protecting the wire from corruption.

***Conclusion***

7. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Awudzi Z. Agbottah whose telephone number is (571) 270-1114. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Awudzi Z. Agbottah*

A.Z.A./aza

July 19, 2006

EDAN ORGAD  
PATENT EXAMINER/TELECOMM.

*Edan Orgad* 7/19/06